

KEYHANI LLC

1050 30th Street NW  
Washington, DC 20007  
T. 202.748.8950  
F. 202.318.8958  
www.keyhanillc.com

---

Direct Email: dkeyhani@keyhanillc.com  
Direct Dial: 202.903.0326

August 3, 2022

**VIA ECF**

Hon. Paul G. Gardephe  
United States District Court  
Southern District of New York  
40 Foley Square, Room 705  
New York, NY 10007

RE: *Bytemark, Inc. v. Xerox Corp. et al.*, 1:17-cv-01803-PGG-KNF, joint request to stay the case pending Court's decision on NJ Transit's motion for summary judgment

Dear Judge Gardephe:

Plaintiff Bytemark, Inc. ("Bytemark") and Defendants Xerox Corp., ACS Transport Solutions, Inc., Xerox Transport Solutions, Inc., Conduent, Inc. ("Conduent"), and New Jersey Transit Corp. ("NJ Transit") (collectively, "Defendants") submit this joint letter to respectfully request that the Court stay the case until the Court's ruling on NJ Transit's proposed motion for summary judgment.

On July 21, 2022 the Court granted NJ Transit's motion to stay, with the exception that discovery on the issue of sovereign immunity would be permitted. *See* Dkt. No. 188 at 1. The Court also set forth a briefing schedule for NJ Transit's motion for summary judgment. *See* Dkt. No. 188 at 2. Because information potentially relevant to liability and damages is in the custody and control of NJ Transit, it is impractical and inefficient for the parties to proceed with discovery on a piecemeal basis without the benefit of discovery from NJ Transit.

Accordingly, the parties respectfully request that the Court stay the case (with the exception of discovery relating to NJ Transit's claim of sovereign immunity) until the Court's decision on NJ Transit's proposed motion for summary judgement.

Respectfully submitted,

/s/ Dariush Keyhani  
Dariush Keyhani

Served on Defendants' counsel of record via CM/ECF.